

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHEILA LYONS, DVM and HOMECOMING
FARM, INC.,

Plaintiff,

v.

AMERICAN COLLEGE OF VETERINARY
SPORTS MEDICINE AND REHABILITATION, INC.
and AMERICAN VETERINARY MEDICAL
ASSOCIATION, INC.,

Defendants.

Civil Action No.11-cv-12192

JOINT STATEMENT OF COUNSEL PURSUANT TO LOCAL RULE 16.1 (D)

The Plaintiffs, Sheila Lyons, DVM and Homecoming Farm, Inc., and the Defendants, American College of Veterinary Sports Medicine and Rehabilitation, Inc. and American Veterinary Medical Association, by their attorneys, submit jointly the following joint statement, in the above-captioned action, pursuant to the provisions of Fed.R.Civ.P. 16(b) and Local Rule 16.1 (D).

I. RULE 26(F)/LOCAL RULE 16.1 (B) CONFERENCE

A telephone call was held on September 12, 2012 at 11:30 a.m., pursuant to Fed.R.Civ.P. 26(f) and Local Rule 16.1 (B). The following counsel participated in the teleconference:

Camille Sarrouf of Sarrouf Law, LLP and Stephen Lyons of Klieman & Lyons on behalf of Plaintiffs Sheila Lyons, DVM and Homecoming Farm, Inc.

David Kluft of Foley Hoag LLP on behalf of Defendant American College of Veterinary Sports Medicine and Rehabilitation, Inc.

October 1, 2012
YOUNG, D.J.
So ordered as the case management
scheduling order.
Discovery due *July 15, 2013*
Dispositive Motions due *Aug 1, 2013*
William M. Young
Not Judge

J. Mark Dickison and Joshua M. D. Segal of Lawson & Weitzen, LLP for the Defendant American Veterinary Medical Association.

II. PROPOSED JOINT DISCOVERY PLAN AND CASE SCHEDULE

The parties hereby submit the following proposed pretrial schedule, with any disagreements among them noted:

1. Automatic disclosures to be served on or before October 22, 2012;
2. Amendments, motions to intervene, and/or supplements to the pleadings are to be completed by January 31, 2013;
3. The parties disagree as to the setting of the deadline for all fact discovery, including depositions. Defendant American College of Veterinary Sports Medicine and Rehabilitation, Inc. proposes the deadline of January 31, 2013; ~~Defendant American Veterinary Medical Association proposes the deadline of March 31, 2013; and Plaintiffs Sheila Lyons, DVM and Homecoming Farm, Inc. propose the deadline of April 30, 2013.~~
4. The plaintiff shall designate experts, if any, and submit any expert reports with 60 days after close after fact discovery;
5. The defendants shall designate experts, if any, within 30 days after plaintiff's expert disclosure;
6. All expert depositions, if any, to be completed within 45 days after all expert disclosures;
7. All dispositive motions, and/or motions for summary judgment, are to be filed on or before ¹⁵~~30~~ days after expert discovery is completed;

8. Requests for Admissions to be served at anytime up to 90 days before trial and answered within 30 days of service.

III. OTHER MATTERS

1. Trial by Magistrate. The parties do not consent to trial before a United States Magistrate Judge.
2. Phased Discovery. The parties believe that phased discovery is not necessary or desirable in this case.
3. Discovery Event Limitations. The parties will adhere to the discovery event limitation for each side set by Local Rule 26.1(c).
4. Certification of Consultation. The parties shall file as an attachment to this statement or at the initial scheduling conference the parties' certification pursuant to Local Rule 16.1 (D) (3).
5. Settlement Proposals. On September 21, 2012, Plaintiffs presented Defendants with a written settlement proposal. On September 19, 2012, Defendant American College of Veterinary Sports Medicine and Rehabilitation, Inc., which has asserted counterclaims, presented Plaintiffs with a written settlement proposal concerning its counterclaims. All parties will be prepared to respond to the respective proposals at the Scheduling Conference.
6. Alternative Dispute Resolution. The parties have considered the options for alternative dispute resolution programs set forth in Local Rule 16.4. The parties may agree to mediation, although defendant American College of Veterinary Sports Medicine and Rehabilitation, Inc. does not believe mediation would be productive at this time.

IV. AGENDA

The parties propose the following agenda for the Scheduling Conference:

1. Identify principal issues and contentions; including potentially narrow issues on likelihood of confusion.
2. Proposed pretrial schedule and any unresolved issues as set forth in the joint statement.
3. Discuss early mediation and settlement negotiations.
4. Entry of Scheduling Order.

Respectfully submitted,
The Plaintiffs,

/s/ Stephen J. Lyons
Stephen J. Lyons, Esq.
Klieman & Lyons
Suite 617
Two Oliver Street
Boston, MA 02109
sjlyons@kliemanlyons.com

Camille Sarrouf, Esq.
Sarrouf Law, LLP
Two Oliver Street, Suite 617
Boston, MA 02109

Respectfully submitted,
Defendant,
American Veterinary Medical Association
By its attorneys,

/s/ J. Mark Dickison
J. Mark Dickison, BBO # 629170
Joshua M. D. Segal (BBO# 678367)
LAWSON & WEITZEN, LLP
88 Black Falcon Avenue, Suite 345
Boston, MA 02110
(617) 439-4990
mdickison@lawson-weitzen.com
jsegal@lawson-weitzen.com